

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACKIE L. HIGH,

No. C-11-5478 EMC

Plaintiffs,

v.

**ORDER GRANTING DEFENDANT  
MEPCO FINANCE CORPORATION'S  
MOTION TO DISMISS**

THE CHOICE MANUFACTURING  
COMPANY, *et al.*,

**(Docket No. 32)**

Defendants.

Defendant Mepco Finance Corporation motion for dismissal of Plaintiff Jackie L. High's complaint for failure to state a claim came on for hearing before the Court on April 6, 2012. Docket No. 32. For the reasons set forth below, the Court **GRANTS** Defendant's motion.

First, the Court finds that Plaintiff has failed to identify a contractual relationship between Defendant Mepco and Plaintiff or a contractual obligation owed to Plaintiff that Defendant Mepco breached.<sup>1</sup> Accordingly, the Court dismisses Plaintiff's claims for breach of contract and breach of the covenant of good faith and fair dealing as to Defendant Mepco.

Second, the Court finds that Plaintiff has failed to plead claims under California Business & Professions Code § 17200 and § 17500, as Plaintiff has not yet alleged that Defendant Mepco had knowledge of a material fact that it concealed from Plaintiff. At most, Plaintiff alleges that Defendant Mepco knew that U.S. Fidelis was bankrupt, but does not explain why this fact was

<sup>1</sup> The Court declines to take judicial notice of either contract submitted by the parties, as the parties dispute the authenticity of the documents.


1 material. Compl. ¶ 24. Accordingly, the Court dismisses Plaintiff's claims for false advertising and  
2 unfair competition as to Defendant Mepco.

3 The Court **GRANTS** Defendant Mepco's motion to dismiss the claims against Defendant  
4 Mepco. Plaintiff is given leave to amend her complaint accordingly. Plaintiff shall file an amended  
5 complaint within 30 days of this order.

6 This order disposes of Docket No. 32.

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8 IT IS SO ORDERED.

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10 Dated: April 10, 2012

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EDWARD M. CHEN  
United States District Judge